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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,250	06/23/2003	Pamela Dooley Roman	030097 (BLL-0090)	1925

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EXAMINER

CUMARASEGARAN, VERN

ART UNIT

PAPER NUMBER

3629

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/602,250	Applicant(s) ROMAN, PAMELA DOOLEY	
	Examiner VERN CUMARASEGARAN	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-6 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter and fail the machine-or-transformation test.

The machine-or-transformation test is a two-branched inquiry; an applicant may show that a process claim satisfies U.S.C. 101 either by showing that his claim is tied to a particular machine, or by showing that this claim transforms an article. See *Benson*, 409 U.S. at 70. Certain considerations are applicable to analysis under either branch. First, as illustrated by *Benson*, the use of a specific machine or transformation of an article must impose meaningful limits on the claim's scope to impart patent eligibility. See *Benson*, 409 U.S. at 71-72. Second, the involvement of the machine or transformation in the claimed process must not merely be insignificant extra solution activity. See *Flook*, 437 U.S. at 590.

The recited steps in the method are not expressly tied to a machine and could be performed by a human being including generating views of product instances.

The applicable test to determine whether a claim is drawn to a patent eligible process under 101 is the machine-or-transformation test set forth by the Supreme Court, and Applicant's claim here plainly fails that test.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grundfest (US 2002/0165726 A1) in view of Spencer et al (US 6,349,299 B1).

As to claims 1, 7 Grundfest shows defining a contract domain including a contract entity having attributes of an agreement between a customer and a provider of a communications product (paragraph 19 *the product specifically being a communications product is considered non-functional descriptive language since it does not influence the steps outlined by the method, and thus is not given patentable weight*);

defining a product domain including a product entity having attributes of the communications product (paragraph 21);

defining an account receivables domain including an account entity having attributes of a customer account (paragraph 24);

defining a customer domain including a party entity having attributes of a party (paragraph 39 *where automobile leases would inherently have information regarding party attributes*);

defining within said customer domain a contract instance of said contract entity, a product instance of said product entity, and an account instance of said account entity (paragraph 39);

generating views of product instances, the views including customer-oriented views (paragraph 15 *where the specific content of the views is considered non-functional descriptive language and thus is not given patentable weight*);

wherein an entity in contract domain is directly related to another entity in another contract domain (Fig.4, no.S4-3).

However, Grundfest does not expressly show defining a location domain including a location entity having attributes of a geographic location. Spencer et al show defining a location domain including a location entity having attributes of a geographic location (Fig.7). It would have been obvious to one of ordinary skill in the art to include in the method of establishing data domains, a location domain as shown by Spencer et al since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As to claims 2 and 8, Grundfest shows contract entity being directly related to product entity (Fig.4).

As to claims 3, 4, 9 and 10, Grundfest show contract terms being accessible to users (abstract) and being directly related to product entity (Fig.4).

As to claims 5, 6, 11 and 12, Grundfest show contract domain including an outcome entity having attributes of the outcome of contract and outcome entity being related to product entity (Fig.4).

Response to Arguments

Applicant's arguments filed April 27, 2009 have been fully considered but they are not persuasive. The 35 U.S.C. 101 rejection for claims 1-6 is maintained because the steps recited in the method are not expressly tied to a machine or transform an article. Examiner respectfully disagrees with the applicant's claim that generating views of product instances, is analogous to the "electronic transformation of the data itself into a visual depiction" discussed in *In re Bilski*. The claim language merely states "generating views of product instances..." where the views could have been generated or transferred from a separate different database and not necessarily transform any data.

As to the 35 U.S.C. 103 rejection, examiner maintains that the contents of the views of product instances is non-functional descriptive material. If the step of generating views of product instances were to have been dependent upon the definitions of domains recited in previous steps, the product instance views would have been functional.

For these reasons, the rejection is maintained.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VERN CUMARASEGARAN whose telephone number is (571)270-3273. The examiner can normally be reached on Monday - Friday 8:30am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vern Cumarasegaran/
Examiner, Art Unit 3629

/JOHN G. WEISS/
Supervisory Patent Examiner, Art Unit 3629